

A BILL TO BE ENTITLED

1 AN ACT

2 Relating to separating the conducting of federal elections
3 from state and local elections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. PURPOSE. The purpose of this Act is to exercise the
6 legislature's constitutional authority to regulate elections in
7 this state. It is the intent of the legislature that elections for
8 state, county, and local offices be conducted concurrently with
9 federal elections to the extent possible, but that any federal law
10 regarding the conduct of elections not exceed Congress's authority
11 under Article 2 of the United States Constitution to regulate
12 elections for Congress and therefore the legislature intends that
13 such federal authority not extend to ballot measures or elections
14 for state, county, or local offices in this state.

15 SECTION 2. Section 1.002, Election Code, is amended to read as
16 follows:

17 Sec. 1.002. APPLICABILITY OF CODE. This code applies to all
18 general, special, federal, and primary elections held in this
19 state.

20 SECTION 3. Sec. 1.005, Election Code, is amended by amending
21 subsections (4), (7), (14), and (19), and adding subsections (25)
22 and (26) as follows:

23 (4) "District office" means an office of the federal or state
24 government that is not voted on statewide. If federal law requires
25 an election for a federal office to be conducted using procedures
26 that conflict with this code, any federal office that is elected by
27 district would adhere to federal procedures when in conflict with
28 state law.

1 (7) "General election for state and county officers" means
2 the general election at which the officers of the ~~federal~~, state,
3 and county governments are elected. It does not include a federal
4 election, even if such election is held concurrently.

5 (14) "Primary election" means an election held by a political
6 party under Chapter 172 to select its nominees for public office,
7 and, unless the context indicates otherwise, the term includes a
8 ~~presidential~~ primary election for federal office, unless, and to
9 the extent, federal law requires the election to be conducted using
10 procedures that conflict with this code.

11 (19) "Statewide office" means an office of the federal or
12 state government that is voted on statewide. If federal law
13 requires an election for a federal office to be conducted using
14 procedures that conflict with this code, any federal office that is
15 elected statewide would adhere to federal procedures when in
16 conflict with state law.

17 (25) "Federal election" means a primary or general election
18 for federal office or any run-off election for said office. A
19 federal election shall not include any ballot measure nor state,
20 county, or local office.

21 (26) "Federal office" means the offices of president and vice-
22 president of the United States, United States senator, or United
23 States representative.

24 SECTION 4. Chapter 41, Election Code, is amended by adding
25 Section 41.003 to read as follows:

.B. No. ____
1 Sec. 41.003. GENERAL ELECTION FOR FEDERAL OFFICES. The general
2 election for federal offices shall be held on the first Tuesday
3 after the first Monday in November in even-numbered years and
4 shall, to the extent feasible, be held concurrently with the
5 general election for state and county officers.

6 SECTION 5. Section 41.007, Election Code, is amended to read
7 as follows:

8 Sec. 41.007. PRIMARY ELECTIONS. (a) The general primary
9 election date is the first Tuesday in March in each even-numbered
10 year.

11 (b) The runoff primary election date is the fourth Tuesday in
12 May following the general primary election.

13 ~~(c) The presidential primary election is the first Tuesday in~~
14 ~~March of each presidential year.~~

15 (d) No other election, other than a primary election for
16 federal office, may be held on the date of a primary election.

17 SECTION 6. The Election Code is amended by adding Section
18 41.0075, to read as follows:

19 Sec. 41.0075. PRIMARY ELECTION FOR FEDERAL OFFICE. (a) The
20 primary election date for an election for federal office is the
21 first Tuesday in March in each even-numbered year.

22 (b) The runoff primary election date for an election for
23 federal office is the fourth Tuesday in May following the primary
24 election for federal office.

25 (c) The presidential primary election date is the first

1 Tuesday in March in each presidential election year. __.B. No. ____

2 SECTION 7. Section 42.002, Election Code, is amended to read
3 as follows:

4 Sec. 42.002. REQUIRED USE OF COUNTY PRECINCTS.(a) The county
5 election precincts are the election precincts for the following
6 elections:

7 (1) the general election for state and county officers;

8 (2) a federal election;

9 ~~(23)~~ a special election ordered by the governor;

10 ~~(34)~~ a primary election;

11 ~~(45)~~ a countywide election ordered by the commissioner's
12 court, county judge, or other county authority, except an election
13 subject to Section 42.062(2); and

14 (b) Except as provided by Sections 42.008 and 42.009, county
15 election precincts may not be consolidated for an election.

16 SECTION 8. Section 101.052, Election Code, is amended by
17 adding subsection (m) to read as follows:

18 (m) A federal postcard application that is sufficient to
19 constitute a voter registration application under federal law, but
20 which does not meet the requirements of this section, does not
21 constitute registration by the applicant under Title 2 and instead
22 constitutes registration only for federal elections under Chapter
23 107.

24 SECTION 9. Section 101.055, Election Code, is amended by
25 amending subsection (a) and adding subsection (a-1), to read as

__ .B. No. __

follows:

(a) The submission of a federal postcard application that complies with the applicable requirements by an unregistered applicant constitutes registration by the applicant:

(1) for the purpose of voting in the election for which the ballot was requested, provided that the applicant may only vote a federal ballot unless the application complies with the requirements for registration under Title 2;

(2) under Title 2 if the application complies with the requirements for registration under Title 2, unless the person indicates on the application that the person is residing outside the United States indefinitely.

(a-1) If the submission of a federal postcard application under Subsection (a) is sufficient to constitute a voter registration application under federal law but does not meet the requirements for registration under Title 2, the application does not constitute registration by the applicant under Title 2 and instead constitutes registration only for federal elections under Chapter 107.

SECTION 10. The Election Code is amended by adding Chapter 107, to read as follows:

CHAPTER 107. FEDERAL ELECTIONS

Sec. 107.001 FEDERAL ELECTIONS. (a) A federal election is a separate election from any other election in this state, including without limitation a ballot measure or an election for state,

1 county, or local office.

2 (b) An election for a ballot measure, or for a state, county,
3 or local office shall be conducted in accordance with this code.
4 Any federal law regulating the conduct of an election shall apply
5 in this state only to a federal election.

6 (c) The secretary of state shall by rule modify election
7 procedures to the limited extent necessary to allow federal
8 elections and state elections to be held separately but
9 concurrently in accordance with this chapter. The secretary in
10 doing so shall minimize disruption and voter confusion to the
11 fullest extent feasible by sharing polling locations, voting
12 stations, and other similar measures.

13 Sec. 107.002 DEFINITIONS. In this chapter:

14 (1) "Federal ballot" means a ballot that is restricted to
15 federal offices only.

16 (2) "Federal election" means a primary or general election for
17 federal office or any run-off election for said office. A federal
18 election shall not include any ballot measure nor state, county, or
19 local office.

20 (3) "Federal office" means the offices of president and vice-
21 president of the United States, United States senator, or United
22 States representative.

23 (4) "Local office" shall mean an office of any political
24 subdivision in this state as defined by Sec. 1-005(13) of this
25 code.

.B. No. _____

3 (1) the person is qualified to vote in this state under Title
4 2;

5 (2) the person, if not registered to vote in this state, would
6 be qualified if registered; and the person is:

7 (a) a member of the armed forces of the United States, or
8 the spouse or dependent of a member;

9 (b) a member of the merchant marine of the United States,
10 or the spouse or dependent of a member;

11 (b-1) a member of the Texas National Guard or the
12 National Guard of another state or a member of a reserve component
13 of the armed forces of the United States serving on active duty
14 under an order of the president of the United States or activated
15 on state orders, or the spouse or dependent of a member;

16 (c) domiciled in this state but temporarily living
17 outside the territorial limits of the United States and the
18 District of Columbia;

19 (3) the person is registered to vote under federal law, but
20 the person's registration does not comply with Title 2; or

21 (4) the person declines to follow procedures required by this
22 code to vote, which procedures are proscribed by federal law for
23 use in federal elections, and wishes to vote a federal ballot, if
24 the person is otherwise to qualified to vote in a federal election.

25 (b) A person who is registered to vote under federal law, but

.B. No. ____
1 whose registration does not comply with the requirements for
2 registration under Title 2, is eligible to vote in a federal
3 election, but is not eligible to vote in any election for a ballot
4 measure, or state, county, or local office. Such person may only
5 vote a federal ballot.

6 (c) If a person to whom subsection (b) applies subsequently
7 submits a valid registration under Title 2, that person becomes a
8 qualified voter for any election for a ballot measure, or state,
9 county, or local office upon the expiration of 30 days after the
10 voter submitted the application to the voter registrar in the
11 county where the person resides if the application is approved
12 under Section 13.072.

13 Sec. 107.004. GENERAL CONDUCT OF VOTING. An election for
14 federal office shall be conducted and the results shall be
15 processed under the provisions of this code to extent not
16 contradicted by federal law. To the extent that federal law
17 conflicts with a provision of this code, an election for federal
18 office shall be conducted and the results shall be processed under
19 the provisions of the applicable federal law.

20 SECTION 11. If any provision of this Act or its application to
21 any person or circumstance is held invalid, the invalidity does not
22 affect other provisions or applications of this Act that can be
23 given effect without the invalid provision or application, and to
24 this end the provisions of this Act are declared to be severable.

25 SECTION 12. This Act takes effect on the 91st day after the

1 last day of the legislative session at which it is enacted. _____.B. No. ____